

REMARKS

This communication is a full and timely response to the non-final Office Action dated May 29, 2009. Claims 1-19 remain pending. By this communication, claims 1, 3, and 12 are amended. Support for the amended subject matter can be found, for example, in the paragraph bridging pages 3 and 4 of the disclosure.

On page 2 of the Office Action, the Examiner objected to the Abstract because of alleged informalities. Applicants respectfully traverse this objection. However, in an effort to expedite prosecution the Abstract is amended to address the Examiner's concerns. Withdrawal of this objection is respectfully requested.

In numbered paragraph 4 on page 3 of the Office Action, claims 12-15 and 17-19 stand rejected under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter. Applicants respectfully traverse this rejection. However, in an effort to expedite prosecution independent claim 12 is amended to address the Examiner's concerns. As a result, withdrawal of this rejection is respectfully requested.

Beginning on page 3 of the Office Action, the Examiner variously rejected Applicants' claims for allegedly lacking novelty and being obvious over the cited art. In particular, in numbered paragraph 6 on page 3 of the Office Action, claims 1-4, 6-9, 12, 13, 15, 16, and 18 stand rejected under 35 U.S.C. §102(b) for alleged anticipation by *Kitayama et al* (EP 0969389); in numbered paragraph 8 on page 8 of the Office Action, claims 5, 14, 17 and 19 are rejected under 35 U.S.C. §103(a) for alleged unpatentability over the *Kitayama* document in view of *McCartney et al* (U.S. Patent Publication No. 2002/0010716); and in numbered paragraph 9 on page 10 of

the Office Action, claims 10 and 11 are rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over the *Kitayama* document in view of *La Porte et al* (WO 02/23375A2). Applicants respectfully traverse these rejections.

As shown in Figure 1-5, the system includes various client devices that communicate with the web server on which web pages are stored. Each client appliance can request web contents from the web server. The web server identifies with the respective type or properties of each client and transmits a suitably produced web page in a format suited to each particular client appliance.

Applicants' claims broadly encompass the foregoing features. For example, independent claim 1 recites the following:

A method for automatically producing web pages for client appliances of different client type and/or with different client properties, where the client appliances communicate with a web server using client requests and server responses, and the web server stores web pages wherein

- the web server stores web components, wherein the web components are objects which store both the server-end code and data for the web page and the objects make a specific set of services available to the web server in order to condition contents for the web pages in suitable fashion,
- the client requests sent to the web server are used to identify the client type and the client properties of the client appliance,
- the web components are instantiated on the basis of the properties of the client appliances,
- instantiated web components are used to produce representations of the requested web pages and to transmit them to the client.

None of the art cited by the Examiner either individually or collectively discloses every feature recited in Applicants' claims.

The *Kitayama* document discloses a technique of automatically generating documents or display control information for client appliances of different client types or different client properties. The client appliances communicate with the server using client requests as several responses by generating a group of view objects.

Particularly, the *Kitayama* document discloses a technique in which a server receives a display request from a terminal and in response to the display request, the server generates a group of data objects. The data objects are associated with the content of the display and are independent of the requesting terminal. A group of view objects is generated using the group of data objects and information concerning the attributes of the requesting terminal. Each view object includes information related to display control. Based on this disclosure, one of ordinary skill would understand that this reference discloses the use of data objects that contain content regarding a display, uses data related to the attributes of a requested terminal, and uses view objects that contain display control information. The *Kitayama* document, however, fails to disclose or suggest an object or structure that stores both server-end code and data for a web page as recited in Applicants' claims.

The *McCartney* document discloses a system and method for dynamically publishing XML-documents for different clients. In this process, when a client request is received, the client capabilities are determined and an XML-style sheet based on the capabilities is selected. Additionally, an XML-content document based on the requested document is selected. The selected style sheet and the selected content document are merged and an XML-compliant document is created. The generated XML-compliant document is transmitted to the client.

The *McCartney* document fails to remedy the deficiencies of the *Kitayama* document because this reference also fails to disclose or suggest a feature or component stored both server-end code and data for a web page. Rather, the style sheets processed during the generation of documents do not execute actions with respect to generating web sites or other documents.

The *La Porte* document discloses a method and system that formats and transmits data to several client devices. The properties of the requesting device are provided in a request as received by a server. The server analyzes the requests and selects stored templates based on the determined properties. The data requested by the client is then inserted into the templates and the templates are then transmitted to the client.

The *La Porte* fails to remedy the deficiencies of the *Kitayama* document because the described templates do not generate web sites nor do they themselves store documents. Rather, the templates are produced during the generation of documents and facilitate the transmission of data to the client.

In summary, the *Kitayama*, *McCartney*, and *La Porte* documents when applied individually or collectively fail to disclose or suggest every element recited in Applicants' claims. Namely, these references fail to disclose or suggest web components that are stored at a web server and include both server-end code and data for the web page to be generated. For at least this reason, Applicants' claims are neither anticipated nor rendered obvious by the applied documents.

The courts have established that to properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. See Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The courts have also held that the Office has the initial burden of establishing a **factual basis** to support the legal conclusion of obviousness. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). For rejections under 35 U.S.C. § 103(a) based upon a combination of prior art elements, in KSR Int'l v. Teleflex Inc., 127 S.Ct. 1727, 1741, 82 USPQ2d 1385,

1396 (2007), the Supreme Court stated that "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some **articulated reasoning with some rational underpinning** to support the legal conclusion of obviousness." In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) (emphasis added). Based on the foregoing discussions, Applicants respectfully request that all rejections under 35 U.S.C. §§ 102 and 103 be withdrawn.

Conclusion

Based on the foregoing amendments and remarks, Applicants respectfully submit that claims 1-19 are allowable and this application is in condition for allowance. In the event any unresolved issues remain, the Examiner is invited to contact Applicants' representative identified below.

Respectfully submitted,

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